



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2845

Introduced 1/20/2006, by Sen. Jeffrey M. Schoenberg

SYNOPSIS AS INTRODUCED:

415 ILCS 5/9

from Ch. 111 1/2, par. 1009

Amends the Environmental Protection Act. Prohibits the incineration of hospital wastes on hospital grounds on and after July 1, 2007. Effective immediately.

LRB094 15257 RSP 50446 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 changing Section 9 as follows:

6 (415 ILCS 5/9) (from Ch. 111 1/2, par. 1009)

7 Sec. 9. Acts prohibited. No person shall:

8 (a) Cause or threaten or allow the discharge or emission of
9 any contaminant into the environment in any State so as to
10 cause or tend to cause air pollution in Illinois, either alone
11 or in combination with contaminants from other sources, or so
12 as to violate regulations or standards adopted by the Board
13 under this Act;

14 (b) Construct, install, or operate any equipment,
15 facility, vehicle, vessel, or aircraft capable of causing or
16 contributing to air pollution or designed to prevent air
17 pollution, of any type designated by Board regulations, without
18 a permit granted by the Agency, or in violation of any
19 conditions imposed by such permit;

20 (c) Cause or allow the open burning of refuse, conduct any
21 salvage operation by open burning, or cause or allow the
22 burning of any refuse in any chamber not specifically designed
23 for the purpose and approved by the Agency pursuant to
24 regulations adopted by the Board under this Act; except that
25 the Board may adopt regulations permitting open burning of
26 refuse in certain cases upon a finding that no harm will result
27 from such burning, or that any alternative method of disposing
28 of such refuse would create a safety hazard so extreme as to
29 justify the pollution that would result from such burning;

30 (d) Sell, offer, or use any fuel or other article in any
31 areas in which the Board may by regulation forbid its sale,
32 offer, or use for reasons of air-pollution control;

1 (e) Use, cause or allow the spraying of loose asbestos for
2 the purpose of fireproofing or insulating any building or
3 building material or other constructions, or otherwise use
4 asbestos in such unconfined manner as to permit asbestos fibers
5 or particles to pollute the air;

6 (f) Commencing July 1, 1985, sell any used oil for burning
7 or incineration in any incinerator, boiler, furnace, burner or
8 other equipment unless such oil meets standards based on virgin
9 fuel oil or re-refined oil, as defined in ASTM D-396 or
10 specifications under VV-F-815C promulgated pursuant to the
11 federal Energy Policy and Conservation Act, and meets the
12 manufacturer's and current NFPA code standards for which such
13 incinerator, boiler, furnace, burner or other equipment was
14 approved, except that this prohibition does not apply to a sale
15 to a permitted used oil re-refining or reprocessing facility or
16 sale to a facility permitted by the Agency to burn or
17 incinerate such oil; -

18 (g) On and after July 1, 2007, burn or incinerate at any
19 hospital, or at any site or facility owned or operated by any
20 owner or operator of any hospital, any waste generated at any
21 hospital. For purposes of this subsection, the term "hospital"
22 means a "hospital" as that term is defined in 35 Ill. Admin.
23 Code 229.102 that is subject to the emission standards
24 established under 35 Ill. Admin. Code 229.

25 Nothing herein shall limit the effect of any section of
26 this Title with respect to any form of asbestos, or the
27 spraying of any form of asbestos, or limit the power of the
28 Board under this Title to adopt additional and further
29 regulations with respect to any form of asbestos, or the
30 spraying of any form of asbestos.

31 This Section shall not limit the burning of landscape waste
32 upon the premises where it is produced or at sites provided and
33 supervised by any unit of local government, except within any
34 county having a population of more than 400,000. Nothing in
35 this Section shall prohibit the burning of landscape waste for
36 agricultural purposes, habitat management (including but not

1 limited to forest and prairie reclamation), or firefighter
2 training. For the purposes of this Act, the burning of
3 landscape waste by production nurseries shall be considered to
4 be burning for agricultural purposes.

5 Any grain elevator located outside of a major population
6 area, as defined in Section 211.3610 of Title 35 of the
7 Illinois Administrative Code, shall be exempt from the
8 requirements of Section 212.462 of Title 35 of the Illinois
9 Administrative Code provided that the elevator: (1) does not
10 violate the prohibitions of subsection (a) of this Section or
11 have a certified investigation, as defined in Section 211.970
12 of Title 35 of the Illinois Administrative Code, on file with
13 the Agency and (2) is not required to obtain a Clean Air Act
14 Permit Program permit pursuant to Section 39.5.
15 Notwithstanding the above exemption, new stationary source
16 performance standards for grain elevators, established
17 pursuant to Section 9.1 of this Act and Section 111 of the
18 federal Clean Air Act, shall continue to apply to grain
19 elevators.

20 (Source: P.A. 88-488; 89-328, eff. 8-17-95; 89-491, eff.
21 6-21-96.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.